

*THE HONOURABLE SRI JUSTICE P.S.NARAYANA

+W.P. NO.10170 OF 2007

%23.10.2007

Jupudi Hanumantha Prasad

..Petitioner

Vs.

\$ Government of A.P.rep. by its
Secretary, Endowments,
Secretariat, Hyderabad
and others.

..Respondents.

!Counsel for the Petitioner : Sri Vinay Kumar.

^Counsel for the Respondent Nos.1 to 4: G.P.for
Endowments.

Counsel for the Respdent NO.5 to 10: Sri Satish Kumar
and

Sri Ravi Kondaveeti.

<Gist :

>Head Note:

?Cases Referred:

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.10170 of 2007

-
Dated:23.10.2007

-
-

Between:

Jupudi Hanumantha Prasad

.. Petitioner

And

Government of A.P. rep. by its
Secretary, Endowments,
Secretariat, Hyderabad
and others.

.. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.10170 of 2007

Heard Sri K.Vinay Kumar, learned counsel representing the writ petitioner, the learned Government Pleader for Endowments, Sri Satish Kumar and Sri Ravi Kondaveeti, learned counsel representing the respondents.

2. Jupudi Hanumantha Prasad, the writ petitioner, filed the present writ petition for a writ of Mandamus declaring the order issued in proceedings B/267/07, dated 24.03.2007, passed by the 4th respondent and the order passed by the 3rd respondent in Reference.No.7/07, dated 02.05.2007 (to the extent of it went against the petitioner) as illegal, arbitrary, contrary to record and violative of principles of natural justice, and consequently, direct the respondents

nos.1 to 4 to re-examine the entire issue with relevant records and appoint Single Trustee for the subject Institution and to pass other suitable order.

3. Sri Vinay Kumar, learned counsel representing the writ petitioner, had taken this Court through the contents of the affidavit filed in support of the writ petition and also the respective stands taken in the counter affidavits and would maintain that even in the light of the reasons recorded in the impugned order, the same is liable to be quashed.

4. The learned Government Pleader for Endowments, however, would maintain that the impugned order cannot be found fault for the reason that the petitioner was given liberty to approach the competent authority under relevant provisions of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter in short referred to as 'the Act' for the purpose of convenience).

5. The learned Government Pleader for Endowments had taken this Court through the contents of the respective counter affidavits.

6. Sri Satish Kumar and Sri Ravi Kondaveeti, learned counsel for the respondents, also had taken this Court through the respective counter affidavits filed substantially denying the allegations made in the affidavit filed in support of the writ petition and would contend that

the writ petition, being devoid of merits, is liable to be dismissed. Even otherwise the counsel would contend that there is an effective alternative remedy and even on this ground, the petitioner is not entitled to the relief as prayed for in this writ petition.

7. It is stated by the writ petitioner that the petitioner was appointed on 30.04.2005 as Single Trustee of the subject Institution namely "Sri Ramachandrula Guravaiah Satram and Sri Shanker Mutt", Trunk road, Khammam, Khammam District. He further stated that 4th respondent had appointed him as "Single Trustee" in exercise of powers under Sec. 15(3) of the Act 30 of 1987. The said Institution namely Sri Ramachandrula Guravaiah Satram and Sri Shanker Mutt was established by one late Sri Ramachandrula Guravaiah in the year 1930. The Aims and Objects of the said founder of the Satram is to feed poor Brahmins and provide shelter to the pilgrims with his personal funds. It is stated that during the lifetime of Sri Ramachandrula Guravaiah, he had constituted a Committee to manage the Satram and executed a Will in this regard. Accordingly, a Prominent Advocate of Khammam town one Sri Parsa Srinivasa Rao was selected as Single Trustee under cooption process as per Will of the founder and to manage the Satram. The petitioner stated that Sri Sri Jagathguru Shankaracharya had established Shanker mutt in the premises of the Satram and handed over the same to Sri P.Srinivasara (Single Trustee). Thereafter, the department had taken over the Management of Satram in the year 1989 and one Sri K.V.Giri,

Advocate was appointed as Single Trustee for some time. It is further stated that in Khammam town, there are other similar institutions of various communities just as Kanyakaparameswari temple for Vysyas and Swarnabharati of Kammas etc., but those institutions are not under the purview of Endowment Act, likewise to fulfill the objects and wishes of the founder, a Single Trustee from Brahmin Community was being appointed from time to time in respect of subject Satram except for some period. Further, it is stated that with the consultation of all M.L.As of Khammam District and to fulfill the object of the founder of the Satram, proceedings were initiated to appoint the petitioner as Life Time Single Trustee. Accordingly, the 4th respondent had sent a report to the 2nd respondent on 07.04.2005 explaining the origin of the Institution and recommended the petitioner's name for appointment as lifetime Single Trustee. After thorough verification of records, the 4th respondent-Assistant Commissioner had issued an order dated 30.04.2005 appointing the petitioner as Single Trustee for a period of two years from the date of taking oath of office and Secrecy. Further, it is averred that contrary to the wishes of the founder and contrary to the earlier proceedings and even without notice to the petitioner, the 4th respondent has issued impugned proceedings dated 24.03.2007 appointing the respondent Nos.6 to 10 as Trustees under Sec. 15(3) of the Act 30 of 1987. It is stated that when the petitioner sent a letter to the Manager on 05.04.2007 to convene meeting, then the Manager has sent reply to him stating, "Trust Board was constituted with

unofficial respondents herein". It is stated that the 4th respondent without following any procedure has issued the said impugned order. Further, it is stated that the petitioner had filed a revision before the 3rd respondent being RP.No.7 of 2007 questioning the said proceedings dated 24.03.2007. The 3rd respondent having accepted the contentions of the petitioner, instead of setting aside the impugned proceedings i.e., Constitution of the Board, had directed the petitioner to approach the competent authority under Section 87 of the Act. It is stated that the said order dated 02.05.2007 is ex facie illegal, arbitrary and contrary to record. The 3rd respondent having held that "no notice or information was given to the petitioner" ought to have set aside the proceedings. Further, the said authority has categorically observed stating that "it is very clear that no wide publicity is given in as much as there is no report from either Municipal Officer or Assistant Commissioner of Endowments office as the subject Institution though the notice has been affixed on their respective notice board", as such, on the face of it, the order dated 24.03.2007 constituting Committee is illegal, arbitrary and violative of principles of natural justice. It is further stated that having satisfied that this is a peculiar institution, where appointment of Single Trustee is desirable as per the wishes of the founder, the petitioner was appointed as 'Single Trustee', as such, appointing a committee with five members is illegal and contrary to the record. The 4th respondent ought to have assessed the entire issue with relevant records. The 3rd respondent had erred in observing that

the "Committee was constituted and had taken oath. The same is not correct, and hence, the tenure of the petitioner is valid upto 05.05.2007, as such, the entire process had been done in a mechanical manner, without notice to anybody. The 3rd respondent ought to have taken note of such events and should have held that the committee is bad in law. In such circumstances, it is stated that the writ petitioner is entitled to the reliefs prayed for in the writ petition.

8. It may be appropriate to have a look at the order made by the Regional Joint Commissioner, Endowments Department, Hyderabad, dated 02.05.2007, in Revision Petition No.7 of 2007 and the relevant portion of the said order reads as hereunder:

"It is true that a single trustee i.e., the petitioner herein was appointed by the 1st respondent by his order in Rc.No.B/917/05, dt. 30.04.2005 and he took oath of office and secrecy on 5.5.05 and his tenure is upto 4.5.07. Again the Respondent No.1 passed another order in Rc.No.B/267/07, dt.24.3.07, which is impugned, while the single trustee is functioning in office. It is an admitted fact that no notice or information was given to the petitioner herein before constituting trust board to the subject institution, nor the manager of the subject institution has also brought to the notice of the single trustee i.e., the petitioner herein till the petitioner, i.e. single trustee addressed a letter to the manager of the subject institution for convening a meeting as such it is not only bad in law but also against the principles of natural justice. Thus it very clear that no wide publicity is given in as much as there is no report from either Municipal officer or Asst. Commissioner, Endowments office and subject

institution that the notice has been affixed on their respective notice board.

Any how since the non hereditary trust board has been constituted and took oath of office questioning of the proceedings does not hold good.

Further the question of declaration of denomination of institution can be adjudicated u/s 87 of the Act 30/87 before the competent authority i.e., Dy. Commissioner, Endowments Department, Warangal. Therefore the petitioner is directed to approach the competent authority under relevant provision and adjudicate the same u/s 87 of the Act 30/87.

In the result the R.P. is disposed off accordingly.”

9. The order of the 4th respondent in proceedings No.B/267/07, dated 24.03.2007, reads as hereunder:-

“In exercise of the power vested in him U/s. 15(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 30 of 1987 amended in act 26/2000 the Assistant Commissioner, Endowments Department, Khammam hereby constitutes a Board of Trustees to Sri Ramachandrula Guravaiahgari Satram & Sri Shankara Matam, Khammam Town, Khammam-Urban Mandal of Khammam District and appoints the following (5) persons as Trustees. The Trustees appointed herein shall hold office for a period of two year from the date of taking oath of office and secrecy. Where the oath of office and secrecy are administered on different dates, the period of two years shall be reckoned from the earlier of above dates.

- | | | |
|------------------------------|-----------------|-------------|
| 1. Smt. Sarvadevabatla Rama | w/o. Anantharam | R/o Khammam |
| 2. Sri Bandaru Venkateswarlu | s/o Gopaiah | R/o |

Khammam

3. Sri Repakula Narsaiah s/o Pullaiah R/o

Khammam

4. Smt.Dasari Vasantha w/o Shankar R/o

Khammam

5. Sri Akula Sathish s/o Narasaiah R/o

Khammam

The Inspector, Endowment Department, Khammam-Division is authorized to administer the oath of office and secrecy to the persons herein appointed as trustees as per rules on 03.04.2007 at 10-00 a.m. in the premises of the subject temple.

All the persons appointed herein as trustees are requested to take oath of office and secrecy as required sub-sections (2) of section 19 of the Act 30 of 1987 before they enter upon office. If any trustee who fails to take, within thirty days from the date on which he was appointed, the oath of office and secrecy laid down in sub-section (2) shall cease to hold office.

The Inspector, Endowments Department, Khammam-Division is authorized to convene a special meeting of the trustees on 03.04.2007 at 10-30 a.m. in the premises of the institution and conduct the election of Chairman, trust Board as per rules framed U/s.20 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 30 of 1987, he is also requested to obtain the affidavits from the newly appointed trustees duly attested as required under the rules framed U/s.19 of the Act 30 of 1987.

The Inspector, Endowments Department, Khammam-Division requested to record the minutes of the proceedings of the

special meeting and submit a copy of the same to this office for taking further action.”

10. The order in Rc. No.B/917/05, dated 30.04.2005, made by the 4th respondent reads as hereunder:

“In exercise of the power vested in him U/s. 15(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 30 of 1987 the Assistant Commissioner, Endowments Department, Khammam hereby appoint Sri Jupudi Hanumath Prasad, S/o.Late Jupudi Narasinga Rao, R/o. Khammam as Single Trustee to Sri Rama Chandrula Guravaiah Satram and Sri Shankar Matam, Trunk Road, Khammam Town, Khammam Urban Mandal of Khammam District. The single trustee appointed herein shall hold office for a period of two years from the date of taking oath of office and secrecy.

The Inspector, Endowment Department, Khammam Division is authorized to administer the oath of office and secrecy to the person herein appointed as Single Trustee as per rules on 5-5-2005 at 4-45 p.m. in the premises of the subject Institution.

The person appointed herein as Single Trustee is requested to take oath of office and secrecy as required sub-section (2) of the Section 19 of the Act 30 of 1987 before he enters upon office within thirty days from the date on which he was appointed, the oath of office and secrecy laid down in sub-section (2) shall cease to hold office.

The Inspector, Endowments Department, Khammam is requested to record the minutes and report.”

11. In the proceedings Rc.No.B/917/05, dated 07.04.2005, addressed by the Assistant Commissioner, Endowments Department, Khammam to the Commissioner, Endowments Department, Hyderabad, the contents thereto read as hereunder:-

“Kind attention is invited to the reference 2nd cited. I submit herewith detailed report on the representation of Brahmin Community of Khammam town referred to under reference 1st cited.

Sri Rama Chandrula Guravaiah Satram of Khammam town was established by Brahmin late Sri Rama Chandrula Gurvaiah Garu in the year 1930. The aim of the Founder of the Satram was to feed poor Brahmin, give shelter to pilgrims of Brahmin Caste with his personnel funds. During his lifetime, he had constituted a Committee of Brahmin Community as life time Trustees and Executed a Will in this regard, that the management of the Satram would be taken up by the thus nominated life trustees after his death. He also given a provision in the Will that the life trustees thus appointed by him could appoint further life trustee in chain with co-option method. This arrangement provided by the founder was only to get the management of the Satram under Brahmin Community.

Late Sri Parsa Sreenivasa Rao, a prominent Advocate of Khammam, was the last person selected under co.option process as per Will of the founder and manage the satram as Single Life Trustee till his demise.

The Department in Endowment has taken up the management of the Satram from Late Sri Parsa Srinivasa Rao, Life Trustee in the year 1989 and the Inspector, Endowment Department, Khammam was then taken over the charge of the Satram from last life time trustee Late Sri Parsa

Srinivasa Rao and got the Satram registered under Sec.43 of the Act.30/87 and the Certificate of the Registration for the properties of the Satram entered therein along with contents of the Will deed of the founder was issued by the then Asst. Commissioner, Endowment Department, Khammam in Rc.No.B/163/89, dated 12.04.1989.

In this connection, it is submitted that the then Deputy Commissioner, Endowments Department, Hyderabad had issued a Judgment in O.A.No.80/71, dated 22.02.1975 against the orders of the Asst. Commissioner, Khammam, constituting Trust Board to the Satram. The then Deputy Commissioner, Endowment Department, Hyderabad had observed in the judgment that constituting non hereditary trust board to the Satram was illegal and in violation of Will of founder. The Commissioner, Endowment Department, Hyderabad has also been pleased to issue appointment orders to late Sri Parsa Srinivasa Rao as life time Single Trustee in confirmation of his appointment under Co.option process. During the tenure of office held by Late Sri Parsa Srinivasa Rao as life time single trustee, Sri Sri Sri Jagath Guru Shankara Charya who established Shankar Matt in the premises of the Satram had been pleased to handover the matt to late Sri Parsa Sreenivasa Rao life time Single Trustee of the Satram in question in confidence that the later would manage the Matt properly and effectively and keep the sanctity of Shankar Matt.

Considering the Will deed of the founder, the then Asst. Commissioner, Endowment Department, Khammam has appointed Late Sri Kalvala Giri, S/o. Late Sri Raja Ram, Advocate of Brahmin Community as Single Trustee to the institution, which infact is only a Chowltry and not a religious centre at all. During the period of the office of late Sri K.Giri, Advocate with the cooperation, extended by the then Dist.

Collector, Khammam, the income of the Satram has been raised considerably. Now the annual assessable income of the institution is Rs.3,15,532/- during last financial year.

In this connection, I further add that the M.L.As. of Kothagudem, Sathupally, Khammam, Palair and Sujatha Nagar Assembly Constituencies and the Chairman Z.P. Khammam are not moved a little with the facts of the representation submitted to them each copy by the members of Brahmin Community and they being elders of Khammam District, having knowledge with the performance of the Satram in Question have unanimously recommended that being the said Satram is exclusively meant for Brahmin Community, the management of the Satram is also to be handed over to a popular person of Brahmin Community to meet the end of justice to the said community. Therefore they have proposed the name of Sri Jupudi Hanumantha Prasad , S/o. Late Sri J.Narasimha Rao, aged 56 years, a prominent person among Brahmin community to be appointed as life trustee to the Satram, to justify the Will of the founder and to meet the end of justice to Brahmin Community of Khammam District on par with that of Kanyaka Parameswari Temple for Vysya Community and Swarna Bharathi for Kamma Community in Khammam District and hence they have unanimously requested in their letter addressed to Hon'ble Minister for Endowments, A.P. Hyderabad to take necessary action in the matter. Copies of the letters of the M.L.As. and the Chairman Z.P. Khammam are enclosed herewith for kind perusal.

In the circumstances, I request that the Commissioner, Endowment Department may be pleased to appoint Sri Jupudi Hanumantha Prasad, S/o.Late Jupudi Narasimha Rao, 56 years, as Life time Single Trustee to Sri Ramachandrula Guravaiah Satram, subject to the condition that the life time

Single Trustee thus appointed to the Satram and Sankar Matt shall function under the provisions of Act. 30/87 and obey all lawful orders issued time to time by the Endowment Officials and order communicated early.”

11. The counter affidavits of respondents 1 to 4, respondent No.5 and also respondents 6 to 10 were filed. In the counter filed by respondents 1 to 4, it is averred that the petitioner was earlier appointed as Single Trustee to Sri Rama Chandrula Guravaiah Satram & Shankar Math, Khammam Town by the 4th respondent U/s. 15(3) of the Act 30 of 1987 in R.C.No.B/917/05, dated 25.04.2005, for a period of (2) years or till a Trust Board is constituted whichever is earlier. The petitioner entered into Satram office after administering Oath of Office Secrecy, on 05.04.2005. The period of (2) years also expired by 04.04.2007. Sri Rama Chandrula Guravaiah Satram & Shankar Math, Khammam Town was published U/s. 6(c) (i) of the Act 30 of 1987, and thus, it is under the control of the Endowments Department and governed by the provisions of the said Act. This Satram was established in the premises of Sri Gunti Malleswara Swamy Temple by late Sri Rama Chandrula Guravaiah garu with the finance of the devotees, a common object to feed poor and provide shelter to the pilgrims visit. Sri Gunti Malleswara Swamy Temple, a very popular and historical one, in Khammam town. The then Deputy Commissioner, Endowments Department, Hyderabad had declared in O.A.No.80/1971, Dated 22.02.1975, late Sri Parsa Srinivasa Rao, as Single Trustee, only for his life period, but not according to Will of

Founder, as stated by the petitioner. Hence, late Sri Parsa Srinivasa Rao, Single Trustee had managed the Institution till his lifetime. Sri Shankar Math was established in the premises of Sri Rama Chandrula Guravaiah Satram by Sri Sri Jagadguru Shankara Charya of Shrungheri with the finance from devotees and was handed over to the Executive Officer along with Sri Rama Chandrula Guravaiah Satram by the then Private Body as per orders of the Commissioner, Endowments Department, Hyderabad in the year 1989. The appointment of Sri K.V.Giri, Advocate, as Single Trustee to the institution, by the 4th respondent was as per provision of the Act U/s 15(3) of the Act 30 of 1987, for the time being and a Trust Board was constituted later to the said Satram. It is also stated that the contention that Sri Kanyaka Parameswari Temples for Vysyas and Swarna Bharathi of Kammam were exempted from the purview of Endowments Act, along with Sri Sai Baba Institutions, on special grounds, by the Government of Andhra Pradesh and the same analogy is to be applied to the subject institution is not correct. It is also stated that the petitioner was considered for appointment as Single Trustee on the ground that he is the popular person among public of Khammam town and as such would develop the Institution and fulfill the object of poor feeding and take up the renovation of old building. The petitioner's appointment as Single Trustee was not on the recommendation of MLAs of Khammam District or otherwise. Contrary to the expectations, the petitioner has created problems to the Department by involving himself by

representation for deletion of the Satram, from the purview of the Endowments Department, on plea that it was established by Brahmin Sri Rama Chandrula Gurvaiah, exclusively for Brahmin Community, in fact this dispute, was once tried by late Sri Parasa Srinivasa Rao, the earlier Single Trustee, when the Department had appointed an Executive Officer to the Satram and he filed CMA.No.37/89 before the Addl. District Court, Khammam in the year 1989. The Court, on 26.04.1989, directed the appellant therein late Sri Parsa Srinivasa Rao to file their objections, before the Commissioner, Endowment, and further the Commissioner, Endowment, had been directed by the Court to receive the objections, hear them and should dispose of the matter, afresh, according to law. The Commissioner, Endowments Department, Hyderabad, accordingly, had tried the issue with several adjournments, providing opportunity to the previous Satram Management to produce original Will Deed of late Sri Rama Chandrula Guravaiah garu, establishing the right, that the Satram was exclusively meant for Brahmin Community. But, the then Management of the Satram, had failed to produce the Will Deed or documents or any papers related, in support to the appeal, to the Commissioner, Endowments Department, Hyderabad. Hence, the then Commissioner, Endowments Department in R.C.No.F2/47696/90-97, Dated 21.01.1991 had declared the Satram a Public Institution and directed the Assistant Commissioner, Endowments Department, Khammam, under whose jurisdiction, the Institution falls, to constitute a Trust Board to the Satram and the order of Commissioner has become final.

It is also stated that the contention of the petitioner made in paragraph 5 cannot be sustained. It is also stated that the constitution of the Trust Board on 24.03.2007 to the Suit Institution U/s. 15(3) of the Act 30 of 1987 is neither contrary to the wishes of the founder nor the procedure prescribed under the Act. Under Rules framed U/s. 15(3) of the Act 30 of 1987, as per sub-Rule 4(1), the Authority Competent to appoint Trustees i.e., the Assistant Commissioner, Endowments Department, Khammam shall cause publications of the Notice in Form I and as referred in sub-Rule (2) shall affix the notification at the places below.

- i) On the notice Board of the office or on the front door on the Institution or Endowment or in any conspicuous place, where there is no institution.
- ii) On the Notice Board of the Sarpanch, Mandal Revenue Officer, Municipal Office, as the case may be and
- iii) On the Notice Board of the Commissioner, Regional Joint Commissioner, Deputy Commissioner, Assistant Commissioner and Inspector, as the case may.

Hence, as per Rules, there is no necessity to get the issue of Notification brought to the knowledge of the petitioner personally. The procedure as stipulated under Rules above have since been complied with and necessary affixture reports have been obtained from the concerned Institutions. The Trust Board was constituted in the interest of proper functioning as per wishes of the founder, following the

procedure as per provisions of the Act. Further, it is stated that the fact that Section 87 of the Act is referred to in Revision Petition orders 02.05.2007 by the Regional Joint Commissioner, Endowments Department, MZ-III, Hyderabad, does not come in any way, in constituting the Trust Board. Section 87 of the Act deals with certain dispute to be decided and matters by the Deputy Commissioner, Endowments Department, concerned. The Commissioner, Endowment Department, Hyderabad had already declared the suit Institution, as public Institution, with directions to the Assistant Commissioner, Endowments Department, Khammam to constitute Trust Board in R.C.No.F2/47696/90-1, Dated 21.01.1991. Hence, the orders of the Commissioner, Endowments Department cannot be now questioned.

10. The 5th respondent also filed the counter affidavit narrating several details. Even this respondent had reiterated the stand taken by the 4th respondent in his counter that had been referred to supra. Further, in paragraph 7, the 5th respondent had stated that the fact that Section 87 of the Act referred to in Revision Petition orders dated 02.05.2007, by the Regional Joint Commissioner, Endowments Department, MZ/III, Hyderabad, is not applicable to the Suit Institution, in constituting the Trust Board. Section 87 of the Act is to decide certain disputes and matters by the Deputy Commissioner, Endowments Department concerned, subject to confirmation, by the

Commissioner, Endowments Department, Hyderabad. Until then, such decision or orders shall not take effect. As a dispute, the objection filed by the then Management of the Satram, under the directions of the Addl. District Judge, Khammam, in CMA.No.37/89, the objections filed by the then Management of Satram were enquired into by the Commissioner, Endowments Department, Hyderabad, thoroughly and in default of filing original Will Deed of the founder, or papers or documents in support by then Management, the claim that the suit Institution was established exclusively for the Brahmin community, was disposed of by the then Commissioner, Endowments Department, Hyderabad in R.C.No.F347696/90-1, dated 21.07.1991, declaring the said Satram as Public Institution and directed the Assistant Commissioner, Endowments Department, Khammam to constitute Trust Board. In the R.P.No.07/2007 in order dated 02.05.2007 of the Regional Joint Commissioner, MZ/III, Endowments Department, Hyderabad, directing the Petitioner to file petition U/s. 87 of the Act 30/87, before the Deputy Commissioner, Endowments Department, Warangal has no reason to consider under sub-section 5 of Section 87 of the Act 30 of 1987, because, the Commissioner, Endowments Department, Hyderabad had already declared the suit Institution as Public Institution, with directions to the Assistant Commissioner, Endowments Department, Khammam to constitute Trust Board in R.C.No.F2/47696/90-1, dated 21.01.1991, after discreet enquiry. It is further stated that the deponent is the Manager of the Satram and he has to follow the higher authorities instructions. Hence,

his role is very limited. Substantially, the same stand as that of R-1 to R-4 had been taken even in the counter affidavit of R-5.

11. In the counter affidavit by R-6 to R-10, it is stated that the Assistant Commissioner of Endowments, Khammam issued notification on 31.01.2007 inviting applications from interested persons for appointment of Trustees of 5th respondent Institution. The notification was displayed on the Notice Board of the 5th respondent Institution, in the Office of the Assistant Commissioner of Endowments, Khammam and in the Municipal Office, Khammam. It is stated that the petitioner has got knowledge that notification was issued for appointment of the members of the Trust Board. However, the petitioner has not made any application for being appointed as Member of Trust Board of the 5th respondent Institution. It is further stated that in response to the above notification issued by the Assistant Commissioner of Endowments, who is the competent authority, the deponent himself (R-10) and R-6 to R-9 made applications for being appointed as members of Trust Board of 5th respondent Institution. It is further stated that after following the procedure as contemplated under the provisions of the Act, the deponent himself, who is R-10, and R-6 to R-9 were appointed as Trustees of the 5th respondent Institution vide Orders in Rc.No.B/267/2007, dated 24.03.2007, issued by the Assistant Commissioner, Endowments Department, Khammam. In pursuance of these orders, oath of Office and secrecy was

administered on 3.4.2007 and also a special meeting for election of Chairman of 5th respondent Institution was convened and R-10 himself was elected as Chairman of Trust Board of the 5th respondent Institution on 3-4-2007. It is also stated that R-10 himself has taken charge as Chairman of Trust Board of the 5th respondent Institution on the same day. It is stated that after appointment of Trustees and election of Chairman of Trust Board, the petitioner filed Revision Petition No.7/2007 before the Regional Joint Commissioner, Endowments Department, Multi-zone-III, Hyderabad aggrieved by the reply given by the Endowment Authorities challenging the order of constitution of Trust Board issued by the Assistant Commissioner of Endowments. The above Revision Petition was disposed of on 2.5.2007 directing the petitioner to approach the competent authority under Section 87 of the Act 30 of 1987. Thereafter the petitioner filed this writ petition. Further, it is stated in paragraph 7 that the allegation of the petitioner that with the consultation of all the M.L.As. of Khammam District and to fulfil the object of the founder of the 5th respondent Institution, proceedings were initiated to appoint him as Lifetime Single Trustee and accordingly, his name was recommended for Lifetime Single Trustee is not at all correct. It is stated that the petitioner was appointed as Single Trustee of the 5th respondent Institution in the year 2005 for a period of two years only. It is further stated that the further allegation of the petitioner that contrary to the wishes of the founder and contrary to the earlier proceedings and even

without issuing notice to him, the 4th respondent has issued the impugned proceedings, dated 24.03.2007, appointing these respondents i.e., R-6 to R-10 as Trustees under Section 15(3) of the Act is not at all correct. It is also stated that after issuing notification by the competent authority and after displaying the same in the Notice Board of 5th respondent Institution and in the office of Assistant Commissioner of Endowments, Khammam and in the Office of Khammam Municipality and after giving sufficient time to make applications by the interested persons, Trustees have been appointed to 5th respondent Institution. Further, it is stated in paragraph 8 that the allegation of the petitioner that the 4th respondent without following any procedure has issued the impugned order is not at all correct. The other allegation of the petitioner that the entire process has been done in a mechanical manner without notice to anybody is not at all correct. As already submitted above, after following the entire procedure as contemplated under the provisions of the Act, Trust Board was constituted and members of Trust Board were appointed to the 5th respondent Institution. If the term of the petitioner as Single Trustee is not completed and if any short period is remaining, he should have made representation to the Official Respondents in response to the notification issued for appointment trustees of the 5th respondent Institution. There is no irregularity nor illegality in the entire process of appointing trustees to the 5th respondent Institution and the orders,

dated 24.03.2007, issued by the 4th respondent are legal and valid.

12. The respective stands taken by the parties already had been referred to supra. It may be true that the writ petitioner might have been appointed as a Single Trustee for the subject Institution and different proceedings referred to supra also would lend support to certain of the contentions advanced by the writ petitioner. However, even in the impugned order, the Regional Joint Commissioner, Endowments Department, Hyderabad-3rd respondent herein observed that no wide publicity is given inasmuch as there is no report from either Municipal Officer or Assistant Commissioner, Endowments Department and subject Institution that the notice has been affixed on the respective notice board. It is also observed that it is an admitted fact that no notice or information is given to the petitioner herein before constituting the Trust board to the subject Institution nor the Manager of the subject Institution had also brought to the notice of the Single trustee i.e., the petitioner herein, till the petitioner i.e., Single trustee, addressed a letter to the Manager of the subject Institution for convening a meeting, as such, it is not only bad in law, but also against the principles of natural justice.

13. As can be seen from the dates, this Court ordered notice before admission on 09.05.2007 and *Rule nisi* was issued on 12.06.2007. Even as per the averments made in the affidavit filed in support of the writ petition, specific stand had been taken that the said Institution

namely Sri Ramachandrula Guravaiah Satram and Sri Shanker Mutt had been established by one Sri Ramachandrula Guraviah in the year 1930 and the aims and objects of the said founder of the Satram was to provide shelter to the pilgrims with his personal funds, and during his life time, he had constituted a Committee to manage the affairs of the said Satram and executed a Will in this regard. Sri Parsa Srinivasa Rao, a prominent Advocate of Khammam District, was selected as a Single Trustee under co-option process as per the Will of the founder to manage the affairs of the said Satram. Several further facts had been narrated, and no doubt, some averments were made relating to denomination. Further specific stand had been taken that contrary to the wishes of the founder and contrary to the earlier proceedings and even without notice to the petitioner, the 4th respondent issued proceedings dated 24.03.2007, appointing respondents 6 to 10 as trustees under Section 15 of the Act. It is not clear from the stand taken by the writ petitioner whether he is claiming any succession as a member of the founder family or otherwise. However, a stand had been taken that to the subject Institution, Constitution of Trust Board had been made contrary to the wishes of the founder of the family.

14. In the light of the said stand, though certain observations were made by the 3rd respondent in the order impugned relating to the violation of the principles of natural justice, in view of the fact that the Trust Board constituted is functioning for sufficiently a long time, the

writ petitioner is given liberty to move appropriate application before the competent authority to get his rights declared in accordance with the provisions of the Act and the Rules made thereunder. Except giving this liberty, no further relief can be granted to the petitioner, in the present writ petition, in the peculiar facts and circumstances of the case.

15. Accordingly, the writ petition is disposed of. No order as to costs.

(P.S.NARAYANA,J)

Dt.23.10.2007

Note: L.R.Copy to be marked

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